

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
10/30/2002

10/28/2002

CLERK OF THE COURT
FORM R012

HONORABLE EILEEN WILLETT

D. Monroe
Deputy

CR 2001-005401

FILED: _____

STATE OF ARIZONA

NOEL J R LEVY

v.

PETER JAMES LITTLE

DENNIS C JONES

VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY 12

11:09 a.m. Trial to jury continues from 10/24/2002.

State's Attorney:	Noel J. R. Levy
Defendant's Attorney:	Dennis C. Jones
Defendant:	Present
Court Reporter:	Rick Gaio

The jury is all present.

State's case continues:

Steve Orona resumes the stand and testifies further.

The Court conducts a bench conference regarding reference to the witness as a crime scene reconstructionist, as set forth on the record.

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The Court conducts a bench conference regarding additional re-cross-examination questions by the counsel for the Defendant, as set forth on the record.

The Court conducts a bench conference regarding an objection to the question pending before the witness, as set forth on the record.

The Court conducts a bench conference regarding a relevance objection, as set forth on the record.

12:03 p.m. The jury leaves the courtroom, and Court remains in session.

The Court will allow limited re-cross-examination of Detective Orona on the inventory at the time of arrest by LAPD of the Defendant's clothing.

Further argument is heard on counsel for the Defendant's hearsay objection.

The Court announces its ruling regarding the State's proposed rebuttal witness.

For reasons set forth on the record and pursuant to *State v. Sheppard*, the Court will allow the testimony of the witness as rebuttal.

The Court has received additional written questions from the jury, which are provided to counsel for review. They will be discussed after the lunch recess.

12:08 p.m. Court stands at recess.

1:40 p.m. Court reconvenes.

State's Attorney: Noel J. R. Levy
Defendant's Attorney: Dennis C. Jones

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Defendant:	Present
Court Reporter:	Rick Gaio

The jury is not present.

Further discussion is held and argument is heard regarding counsel for the Defendant's hearsay objection to a question to the witness as to what was found by the LAPD during the booking of the Defendant.

Upon further reflection, the Court sustains the hearsay objection and strikes the answer.

Court and counsel discuss the jury questions. Answers will be provided through further testimony of the witness, as set forth on the record.

1:58 p.m. The jury is now present.

The jury is directed to disregard the answer to the question asked of Detective Orona regarding what was found by LAPD during the booking of the Defendant.

Steve Orona resumes the stand and testifies further.

The Court conducts a bench conference regarding a question regarding LAPD's procedure asked of the witness, as set forth on the record.

The Court conducts a bench conference regarding a question regarding property received from LAPD asked of the witness, as set forth on the record.

The Court conducts a bench conference regarding the Defendant's objection to a question asked of the witness as misleading, as set forth on the record.

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The Court conducts a bench conference regarding areas of questioning of the witness, as set forth on the record.

2:58 p.m. The jury leaves the courtroom, and Court remains in session.

The Court has received a written question from the jury. Counsel may review the question at the recess.

3:00 p.m. Court stands at recess.

By stipulation of counsel,

IT IS ORDERED substituting color copies of Defendant's exhibits 181 through 192 for the black and white copies previously marked.

ISSUED: Release Order (1)

3:34 p.m. Court reconvenes.

State's Attorney:	Noel J. R. Levy
Defendant's Attorney:	Dennis C. Jones
Defendant:	Present
Court Reporter:	Rick Gaio

The jury is not present.

Court and counsel have discussed the deposition of Heather DuPont and the transcript of prior proceedings of Myrna Parker dated 08/22/2002. Counsel have agreed that the Court will file the deposition and transcript; they will not receive an exhibit number; and they will not go to the jury during deliberations. Those portions which will be omitted from the reading of the transcripts have been marked in green. Counsel have agreed to all of those portions.

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By stipulation of counsel, exhibits 181 through 192, 194 and 195 are received in evidence.

Counsel have agreed that the Court Reporter will not be typing what the "actors" read with regard to the deposition of Heather DuPont or the transcript of Myrna Parker.

Court and counsel discuss the question, and an answer will be provided through further testimony of the witness, as set forth on the record.

In anticipation of the conclusion of the State's case and to permit Court to continue without interruption following the juror questions of the witness,

Counsel for the Defendant makes, and would also make at the proper time, a Rule 20 motion.

Argument is heard.

The Court does find, based on the testimony, substantial evidence does exist to permit Counts 1 and 2 to proceed to the jury, assuming the Court does not hear something to the contrary in the rest of the State's testimony.

3:39 p.m. The jury is now present.

Steve Orona resumes the stand, and answers to the juror questions, as previously discussed, and answers to follow-up questions by counsel are provided by the witness.

The Court conducts a bench conference regarding re-direct examination, as set forth on the record.

4:25 p.m. The jury is instructed to return at 10:30 a.m. on 10/29/2002 and leaves the courtroom. Court remains in session.

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Counsel for the Defendant renews his Rule 20 motion for judgment of acquittal.

Counsel for the State renews his argument.

The Court finds substantial evidence has been presented to proceed to the jury on Counts 1 and 2. Defendant's renewed motion is denied.

Court and counsel discuss scheduling off the record.

4:30 p.m. Court stands at recess.

FILED: Jury Notes (11)